

IN SENATE OF THE UNITED STATES.

MARCH 2, 1848.

Submitted, and ordered to be printed.

Mr. WESTCOTT made the following

REPORT :

*The Committee on Patents and the Patent Office, to whom was referred the memorial of Hezekiah L. Thistle, complaining of the course of the Commissioner of Patents with respect to an application by said Thistle for a patent, and praying for relief by special act, &c., report :*

That, soon after said memorial was referred to the committee, a request, in writing, was made by Mr. Z. C. Robbins, attorney for Thornton Grimsley, to be allowed to examine the memorial and papers, alledging that said Grimsley was interested in the matter, adversely to Mr. Thistle, and who stated that he desired to be heard before the committee, prior to any action being had prejudicial to his rights or interests, and insisted that said Thistle should be left to his ample resort to the proper court, before which all parties could be fully heard.

On the 17th day of February, the committee adopted a resolution referring the memorial and papers to the Commissioner of Patents, and requesting full information thereon, as early as practicable, and any explanation that he might think proper to make; a copy of which, with the memorial and papers, was transmitted by the chairman of the committee to the Commissioner, who answered it on the next day and returned the memorial and papers and sundry other papers. They are as follows: 1. Letter from Commissioner to H. L. Thistle, dated May 8, 1847, returning his specification for amendment, and pointing out defects. 2. A similar letter, dated May 14, 1847, enclosing circular of Patent Office, and calling attention to the 10th rule, and giving him instructions as to his specifications. 3. Letter from Gen. Jessup, quartermaster general, dated December 24, 1847, (enclosing the report of the board of officers of the army, to determine as to saddles, &c., for the public service,) addressed to the Commissioner of the Patent Office. 4. Copy of the report, dated November 30th, 1847, and drawings of saddles, &c. 5. A copy of the circular rules of the Patent Office.

The petitioner has not deemed it necessary to adduce any further evidence than accompanied his memorial when presented. The

following is a list of the papers so presented: 1. A copy of a "*Protest*," (not authenticated,) addressed by Mr. Thistle to Hon. James Buchanan, Secretary of State, dated January 29, 1848, against the proceedings of the commissioner in granting the patent to T. Grimsley, and the postponement of said Thistle's application for a patent. 2. An authenticated copy of the memoranda written on the envelope covering the application of said Thistle for his patent on a saddle, &c. 3. An exemplified copy of a patent granted to said Thistle, January 21, 1837. 4. Exemplified copies of H. L. Thistle's application for a patent and papers relating thereto, on file in the Patent Office. The oath to the application, &c., is dated January 4, 1847, and the certificate is dated January 11, 1848. 5. Exemplified copies of T. Grimsley's application for a patent and papers relating thereto, on file in the Patent Office. The oath to the application, &c., is dated November 12, 1847. The letter of Mr. Marcy, Secretary of War, to the Commissioner of Patents, is dated December 3, 1847, and the order of the commissioner thereon is dated December 4, 1847. 6. An exemplified copy of patent, &c., to T. Grimsley, dated December 11, 1847.

The committee regard the reply and explanation of the Commissioner as entirely satisfactory with respect to his conduct in the matter complained of by Mr. Thistle. And they do not find, in the petition of Mr. Thistle, anything that entitles him to any special legislation by Congress for his relief, or anything suggesting the propriety of alterations in, or additions to, the general laws relating to the granting of patents, especially as the legal tribunals can, if he has sustained any wrong from the malfeasance or non-feasance of the officers whose course is complained of, afford him full redress. It would seem, however, that the postponement of Mr. Thistle's application was occasioned by his omission to conform to the established rules of the Patent Office, applicable to all cases, and after he was specifically notified such would be the effect of his neglect. As to these rules, the committee find nothing objectionable.

The committee, therefore, report the following resolution:

*Resolved*, That the prayer of the petition of Hezekiah L. Thistle should not be granted.